

UNITED STATES OF AMERICA	*	CRIMINAL NO: 09-150
v.	*	SECTION: "N"
DYRON L. HART	*	
	*	*

Should the above captioned matter proceed to trial, the Government would prove through the introduction of competent evidence, comprised of admissible tangible exhibits and witness testimony, the facts set forth hereinbelow. The defendant, **DYRON L. HART**, represented through undersigned counsel, hereby agrees and stipulates that the following facts constitute a sufficient factual basis for the crime to which the defendant has agreed to plead guilty:

A.R. would testify that she is a student at Nicholls State University in Thibodaux, Louisiana. Ms. R. would testify that on November 5, 2008, days after the election of President Barack Obama, she received a threatening email message over the internet through her “Facebook” account. The message had been sent by a person purporting to be “Colten Brodoux,” a white person outraged at the election of Barack Obama. The message received by Ms. R. threatened to kill her because of her African-American race.

Ms. R. would further testify that the threatening message caused her to be in fear for her life. For that reason, she immediately reported the threat to the campus police at Nicholls State University, then subsequently to a special agent with the Federal Bureau of Investigation. Hence, the Government's evidence would prove that Ms. R. took the email message as a serious threat and believed that the threat could have been carried out.

FBI Special Agent Wendell Cosenza would testify that he subsequently determined that the threatening message had been sent by Dyron L. Hart, residing in Poplarville, Mississippi. The Government would introduce evidence obtained from internet providers establishing the originating computer's internet provider address together with the physical location of the originating computer, identified as Hart's residence in Poplarville.

FBI Agent Cosenza would further testify that days after the message was forwarded to Ms. R., he traveled to Poplarville and interviewed the defendant at his residence, together with the defendant's mother. During this interview, defendant Hart admitted to Agent Cosenza that he had written the threatening message and sent it to A.R. Hart also admitted that he had used the "Facebook" website to send the message and that he had intended it to be a prank "to get a reaction." He admitted that he had created the profile "Colten Brodoux" on his "Facebook" account and that he (Hart) had used a picture of a Caucasian man that he found on a white supremacist website. Finally, defendant Hart admitted sending the threat over a computer which he

showed and identified to Agent Cosenza, located in the same residence in Poplarville, Mississippi.

READ AND ACCEPTED BY:

DYRON L. HART
Defendant

MARVIN OPOTOWSKY
Assistant United States Attorney

VIRGINIA L. SCHLUETER
Attorney for the Defendant